IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

First Appeal No.188/2006

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. : Court's or Judge's orders

---

CORAM : A.P. Lavande, J.
Dated : November 15 , 2006

Heard Mr. Pillai, Advocate for the appellant and Mr. Mirza, AGP for respondent no.1 and Mr. Moharir, Advocate for respondent no.2.

The only issue which arises in this appeal is whether the acquisition of the property of M/s Shivraj Fine Arts Litho Works, Nagpur by respondent no.1 in terms of the Shivraj Fine Arts Litho Works (Acquisition and transfer of Undertaking) Act, 1984 is a transfer as contemplated under Section 93-A of the Employees State Insurance Act, 1948 (hereinafter referred to as “the Act”).

The issue raised in this appeal is squarely covered by Division Bench

judgment of this Court reported in 2006 III CLR 274 (ANK Seals, Nagpur Vs. Employees State Insurance Corporation Nagpur and others). In the said judgment it has been held that the acquisition of the property by way of auction is not transfer as contemplated under Section 93-A of the Act. In view of the ratio laid down by Division Bench of this Court, in case of ANK Seals (supra) I do not find any ground to admit the appeal. No substantial question of law arises in the present appeal. Hence, the appeal is summarily rejected.

JUDGE

A.